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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,831	03/31/2004	Dan Zhang	CS23995RL	6501

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EXAMINER	
HERRERA, DIEGO D	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
12/30/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/814,831	ZHANG ET AL.	
	Examiner	Art Unit	
	DIEGO HERRERA	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) *14* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13, and 15-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuusinen et al. (EP 1161036 A1), and in view of Misra et al. (US 20040022209A1).

Regarding claim 1. a method in a wireless communications device (fig. 4, terminal shown by Kuusinen et al.), the method comprising:

pre-empting an active packet session with an event (abstract, ¶: 21, Kuusinen et al. discloses managing between packet services and circuit switch services suspending the state of the packet services in progress);

suspending operation of a dormancy timer initiated upon pre-emption of the active packet session (abstract, ¶:29-32, Kuusinen et al. teaches suspending dormancy state);

re-starting the suspended dormancy timer upon completion of either a service (abstract, ¶: 29-30, 35-38, Kuusinen et al. teaches starting suspending dormancy state upon the operation or service of the circuit switched operation mode has been fulfilled) or Kuusinen et al. may teach application associated with the event pre-empting the active packet session; nevertheless, Misra et al. is used to explain known method of VPOPD (abstract, fig. 2, Misra et al. teaches wherein the voice call precedence over packet data technique is used, hence preempting the active packet session do to a voice application). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was use to specifically include a technique to preempt an active packet session as taught by Misra et al. for the purposes of preventing race conditions (abstract).

Regarding claim 7. a method in a wireless communications device (fig. 4, terminal shown by Kuusinen et al.), the method comprising:

pre-empting an active packet session with an event (abstract, ¶: 21, Kuusinen et al. discloses managing between packet services and circuit switch services suspending the state of the packet services in progress);

suspending initiation of a dormancy timer that would otherwise be initiated after pre-emption of the packet session (abstract, ¶: 29-30, 35-38, Kuusinen et al. teaches starting suspending dormancy state upon the operation or service of the circuit switched operation mode has been fulfilled);

initiating the suspended dormancy timer upon completion of either a service (abstract, ¶: 29-30, 35-38, Kuusinen et al. teaches starting suspending dormancy state upon the operation or service of the circuit switched operation mode has been fulfilled) or Kuusinen et al. may teach application associated with the event pre-empting the active packet session; nevertheless, Misra et al. is used to explain known method of VPOPD (abstract, fig. 2, Misra et al. teaches wherein the voice call precedence over packet data technique is used, hence preempting the active packet session do to a voice application). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was use to specifically include a technique to preempt an active packet session as taught by Misra et al. for the purposes of preventing race conditions (abstract).

Regarding claim 13. a method in a wireless communications device (fig. 4, terminal shown by Kuusinen et al.), the method comprising:

receiving a network control message (¶: 26-29, Kuusinen et al. teaches control message of TCP/IP is sent to the mobile terminal, mobile terminal receiving message to switch from current packet session to that of circuit switch application);

suspending an active packet session of the wireless communication device in response to receiving the network control message (abstract, ¶:29-32, Kuusinen et al. teaches suspending dormancy state);

suspending a dormancy timer after receiving the network control message (¶: 26-29, Kuusinen et al. teaches control message of TCP/IP is sent to the mobile terminal, suspending dormancy state).

Consider claim 2. The method of Claim 1, resuming the pre-empted packet session upon expiration of the dormancy timer after re-starting the dormancy timer (abstract, title, fig. 2, ¶:35-37, Kuusinen et al. teaches about restarting the time on after the suspended state is over, resuming to packet session).

Consider claim 3. The method of Claim 1, receiving a network control message with dormancy timer information before suspending the dormancy timer (¶: 26-28, Kuusinen et al. teaches TCP/IP for the packet and circuit connection).

Consider claim 4. The method of Claim 3, starting the dormancy timer after receiving the network control message (¶: 26-28, Kuusinen et al. teaches TCP/IP for the packet and circuit connection).

Consider claim 5. The method of Claim 1, pre-empting the active packet session with a pending voice call (abstract, title, ¶: 10-11, 15, 20; Misra et al. teaches having a voice call precedence over packet data method);

re-starting the suspended dormancy timer upon completion of the voice call associated with pre-empting the packet session (¶: 21, Misra et al. teaches restarting packet session).

Consider claim 6. The method of Claim 5, receiving a page, conducting the voice call after receiving the page (fig. 2, Misra et al. shows in step 220, 225, and 230 preprocessing to determine whether to accept call…then steps 240, 245, and 255 show process of setting up call and completing call afterwards reestablishing packet data session).

Consider claim 8. The method of Claim 7, resuming the pre-empted packet session upon expiration of the dormancy timer initiated upon completion of the service or application associated with the event pre-empting the active packet session (¶: 21, Misra et al. teaches restarting packet session).

Consider claim 9. The method of Claim 7, receiving a network control message with dormancy timer information before suspending the dormancy timer (¶: 26-28, Kuusinen et al. teaches TCP/IP for the packet and circuit connection).

Consider claim 10. The method of Claim 9, starting the dormancy timer after receiving the network control message (¶: 26-28, Kuusinen et al. teaches TCP/IP for the packet and circuit connection).

Consider claim 11. The method of Claim 7, pre-empting the active packet session with a pending voice call (abstract); re-starting the suspended dormancy timer upon completion of the voice call associated with pre-empting the packet session(¶: 21, Misra et al. teaches restarting packet session).

Consider claim 12. The method of Claim 11, receiving a page, conducting the voice call after receiving the page (abstract, ¶: 3, 20, Misra et al. teaches suspending packet data session when MSC sends a Prevent Race Condition message to the mobile, hence, starting voice call session and when the mobile paged).

Consider claim 15. The method of Claim 13, receiving a page after receiving the network control message, conducting a voice call after receiving the page, and resuming the suspended dormancy timer after completing the voice call (¶: 3, 21, Misra et al. teaches restarting packet session after ending voice call).

Consider claim 16. The method of Claim 13, suspending the dormancy timer includes suspending initiation of the dormancy timer otherwise started upon suspending the active packet session (¶: 26-28, Kuusinen et al. teaches TCP/IP for the packet and circuit connection).

Consider claim 17. The method of Claim 13, suspending the dormancy timer includes suspending operation of a dormancy timer after the dormancy timer has started (abstract, fig. 2, Kuusinen et al. teaches suspending dormancy state).

Consider claim 18. The method of Claim 13, starting the dormancy timer upon completion of an event precipitating the suspension of the active packet session (abstract, title, fig. 2, ¶:35-37, Kuusinen et al. teaches about restarting the time on after the suspended state is over).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEGO HERRERA whose telephone number is (571)272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diego Herrera/
Examiner, Art Unit 2617

/LESTER KINCAID/
Supervisory Patent Examiner, Art Unit 2617